

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

WILLIE LYNCH,

Plaintiff,

v.

Case No. 3:21-cv-733-MMH-JRK

PUBLIC DEFENDER
MRS. TRICIA RADO-ROVER,

Defendant.

ORDER

Plaintiff Willie Lynch, an inmate of the Florida penal system, initiated this action on July 19, 2021, by filing a pro se “Obstruction of Justice and Complaint for Conspiracy” (Complaint; Doc. 1). Lynch names Public Defender Tricia Rado-Rover as the sole defendant. Lynch asserts that Rado-Rover conspired with the prosecution during his state criminal trial to illegally convict him. For relief, Lynch only requests the Court “to formally charge each conspirator for their willful obstruction of justice and for their willful criminal conduct for conspiring to unlawfully convict” him. Complaint at 7.

It is not clear what type of lawsuit Lynch intends to bring. If Lynch seeks to allege that a person, acting under color of law, deprived him of a constitutional right, he may initiate a civil rights action for monetary or equitable relief under 42 U.S.C. § 1983. If Lynch seeks to challenge a state

court judgment of conviction or sentence, including claims of ineffective assistance of counsel, he may initiate a habeas corpus case under 28 U.S.C. 2254.

Moreover, this Court does not have the authority to grant the requested relief under federal habeas or civil rights law. See Quire v. Miramar Police Dept., 595 F. App'x 883, 886 (11th Cir. 2014) (noting that citizens “do not have a constitutional right to have police officers arrest another citizen.”). Such authority to arrest and prosecute an individual lies with the executive branch. See In re Wild, 994 F.3d 1244, 1260 (11th Cir. 2021) (quoting United States v. Nixon, 418 U.S. 683, 693 (1974)) (“The Supreme Court has repeatedly reaffirmed the principle-which dates back centuries-that ‘the Executive Branch has exclusive authority and absolute discretion to decide whether to prosecute a case.’”). As the only requested relief is Rado-Rover’s criminal prosecution, Lynch has failed to state a claim upon which relief can be granted. Accordingly, the Complaint is due to be dismissed.


In light of the above, it is

ORDERED that:

1. This case is hereby **DISMISSED WITHOUT PREJUDICE**.
2. The Clerk of Court shall enter judgment dismissing this case without prejudice, terminating any pending motions, and closing the case.
3. The Clerk of Court shall send Lynch a civil rights complaint form

and a habeas corpus petition form. Lynch should complete the appropriate form if he decides to initiate a new case in this Court. He should not put this case number on either form, because the Clerk will assign a new case number upon receipt.

DONE AND ORDERED at Jacksonville, Florida, this 29th day of July, 2021.


MARCIA MORALES HOWARD
United States District Judge

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c: Willie Lynch #293946